

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:12CR352
)	
V.)	
)	
DANIEL APONTE,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on Defendant's motion for copies and request to extend the deadline for filing a motion under [28 U.S.C. § 2255](#). ([Filing 116](#).) Defendant states that he needs copies of a police report, various exhibits and transcripts to effectively prepare his section 2255 motion. Defendant asks that his deadline to file a section 2255 motion be extended to allow him time to receive and review the requested documents.

Defendant's request for documents is premature. A section 2255 motion must be on file before documents are produced for free. See [Chapman v. United States, 55 F.3d 390, 390-91 \(8th Cir. 1995\)](#) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature). However, if Defendant wishes to purchase copies of these documents by providing payment in advance, he may contact the Clerk of Court to obtain the current cost and additional information.

Defendant's request for an extension of time to file a section 2255 motion will likewise be denied. As the Court previously advised Defendant ([filing 115](#)), this Court does not have jurisdiction to grant an extension of time until a section 2255 motion has actually been filed.

IT IS ORDERED that Defendant's motion for copies ([filing 116](#)) is denied at this time, but may be reasserted after the filing of an appropriate section 2255 motion. Defendant's request for an extension of time is also denied. The Clerk of Court is directed to provide a copy of this order to Defendant.

DATED June 20, 2014.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**